

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Criminal Action No.
02-CR-80163

vs.

HON. BERNARD A. FRIEDMAN

ANDREW GROSS,

Defendant.

_____ /

**ORDER TRANSFERRING DEFENDANT’S “MOTION TO CORRECT RESTITUTION
ORDER” TO THE UNITED STATES COURT OF APPEALS FOR THE SIXTH
CIRCUIT**

This matter is presently before the Court on Defendant’s “MOTION TO CORRECT” RESTITUTION ORDER PURSUANT TO § 3742 & 3664(k)” [sic] [docket entry 143]. By the Court’s calculation, this is Defendant’s fourth attempt at challenging the restitution portion of his sentence. *See* docket entries 125, 126, and 136. The Court will transfer the present motion to the Sixth Circuit as a second or successive motion under 28 U.S.C. § 2255, as it did with Defendant’s previous motions challenging the terms of his sentence, because Defendant has not obtained the required certification from the Sixth Circuit. *See* 28 U.S.C. § 2255(h). If Defendant continues advancing the same arguments over and over again without first obtaining the required certification from the Sixth Circuit, the Court will have no choice but to enjoin Defendant from filing any further motions in this Court without first obtaining leave of court. Accordingly,

IT IS ORDERED that Defendant's Motion to Correct Restitution Order [docket entry 143] is transferred to the United States Court of Appeals for the Sixth Circuit pursuant to 28 U.S.C. § 1631. *See In re Sims*, 111 F.3d 45, 47 (6th Cir. 1997).

s/Bernard A. Friedman_____
BERNARD A. FRIEDMAN
CHIEF UNITED STATES DISTRICT JUDGE

Dated: April 2, 2008_____
Detroit, Michigan

I hereby certify that a copy of the foregoing document
was served upon counsel of record by electronic and/or first-class mail.

s/Carol Mullins
Case Manager to Chief Judge Friedman